

# **Removing Barriers to Employment for People with Convictions**

## *Talking Points*

### **People with Convictions Are Facing Discrimination in Hiring Practices**

- Finding a job is one of the biggest barriers for people with criminal convictions. People with felony convictions are twice as likely to be denied employment as those with no felony record.
- The question on job applications often intimidates and discourages previously incarcerated persons from applying for jobs, even if they are qualified for the position.
- Many employers use the criminal conviction question on job applications to immediately disqualify a person with a conviction, even if they are qualified.

### **What does this bill propose?**

- This bill amends the New Mexico Criminal Offender Employment Act and proposes that public employers delay asking about a criminal conviction until the applicant makes it to the finalist stage of the application process.
- The bill will remove the question asking if a person has ever been convicted of a felony from public job applications and allows the employer to ask about convictions status during the finalist stage.
- This bill does not prevent employers from asking about conviction status, nor does this bill prevent criminal background checks. This bill simply removes the question on the initial job application that asks if a person has ever been convicted of a crime.
- By delaying the inquiry on conviction history until the interview process, previously incarcerated persons will be on a level playing field with other candidates with similar qualifications.

### **Yes, Employers Can Still Ask about Conviction Status.**

- Employers still have the full right to ask about a person's criminal conviction during the interview process. And employers are not obligated in any way to hire someone with a conviction over someone without a conviction.
- According to the NM Criminal Offender Employment Act, employers can deny anyone a position based on "moral turpitude" – which could include everything from drug dealing, to sex offenses, to other violent crimes.
- The New Mexico Criminal Offender Employment Act is very clear about preventing people with child abuse or child-related sex offenses from working in any public child-care facility. The Act also has a special exemption for law enforcement agencies.

### **Recidivism is Preventable through Employment**

- Finding and securing employment is the key factor to prevent recidivism for a person recently released from jail or prison. An ex-prisoner without a job is **three times** as likely to return to prison.
- Crime rates and unemployment are closely tied. It is in the interest of public safety that ex-offenders are offered fair hiring practices.
- According to the United States' Bureau of Justice Statistics, 95% of all prisoners will return to our communities. Thousands of individuals with convictions are reentering our communities every day, and the best way to ensure our communities are safe is to facilitate the employment process for people with convictions.

### **Promoting Employment will Build Healthier and Safer Communities.**

- New Mexico needs to have smarter policies that focus our resources to help reduce recidivism, rather than feeding into a cycle of incarceration.
- Banning the box will help previously incarcerated persons gain employment in the public sector by giving them a fair and full opportunity.
- Banning the box also contributes to public safety. Persons with steady employment are less likely to commit crimes.
- Employment is essential to rehabilitation and reentry into the community. By banning the box communities are recognizing the need for helping previously incarcerated persons with the resources and providing opportunities to gain employment and integration back into society.